IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1211 (S/S) of 2005

Dani Chand, son of Sri Dhari Chand, aged about 50 years, Assistant Teacher LT (Zoology) Government Inter College, Pipalkot, District – Pithoragarh.

.....Petitioner.

Versus

1. State of Uttaranchal, thorough Secretary, Education, Uttaranchal Shashan,
2. Director of Education, Uttaranchal, Dehradun.
3. Joint Director of Education, Kumaon Mandal, Nainital
4. District Education officer, Pithoragarh.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Subhash Upadhyay, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the impugned order dated 11.07.2005 passed by respondent no.4 by which the petitioner, how is working as Assistant Teacher LT Grade (Biology), has been transferred from Government Inter College, Pipalkot, District – Pithoragarh to Government Higher Secondary School, Quitad, District – Pithoragarh.

Learned counsel for the petitioner has submitted that petitioner has already served for more than 20 years at durgam and ati durgam area and for the first time he was transferred to Government Inter College, Pipalkot on 30.10.2002 on his

personal request. Petitioner has not yet completed three years of service at Pipalkot and has been transferred to Quitad, which is against the guidelines issued by the State Government.

Learned counsel for the petitioner has further submitted that petitioner's wife has been operated for four times within a period of three years and is still suffering from chronic non specific osteomyelitis and petitioner will have to face a lot of difficulties, in case, he joins his duties at Government Higher Secondary School, Quitad, Pithoragarh because at Quitad medical facilities are not sufficient. In thus connection, petitioner has already moved a representation and on his representation Additional Director, Education directed the District Education Officer, Pithoragarh to look into the matter. However, the District Education officer, Pithoragarh has paid no heed.

Learned counsel for the petitioner has submitted that petitioner ahs yet not been relieved, he is on leave and nobody has been posted in his place at Pipalkot.

In view of the aforesaid circumstances, I direct the respondent no. 4 i.e. District Education Officer, Pithoragarh to decide the representation of the petitioner which has already been recommended by Additional Director on 05.08.2005 within a period of two weeks from the date of production of certified copy of this order. Till the decision is taken on the representation of the petitioner, petitioner shall not be relieved, in case he has not already been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M.Ghildiyal, J.)

August 25, 2005
SKSharma